

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NASH-FINCH COMPANY,

Defendant.

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8:04cr349

JUDGMENT AND ORDER

On August 13, 2004, the defendant pleaded guilty, Filing No. 5, to a two-count information for misdemeanor transport or offer for transportation of adulterated meat and poultry products in violation of 21 U.S.C. §§ 453(g)(3), (4); 458(a)(2); 461(a); 601(m)(3), (4); 610(c); and 676(a). The parties agreed that the criminal penalty to be imposed for each misdemeanor shall be \$200,000. The government has informed the court that all agreements have been complied with and this case is completed. The court finds that:

1. Defendant is adjudicated guilty of transport or offer for transportation of adulterated meat and poultry products in violation of 21 U.S.C. §§ 453(g)(3), (4); 458(a)(2); 461(a); 601(m)(3), (4); 610(c); and 676(a).

2. The parties waived the preparation of a presentence report. A Rule 11 hearing was held and defendant voluntarily and knowingly entered a plea of guilty. The court accepted the plea and the plea agreement, both of which had been approved by officers and directors of defendant corporation.

3. Pursuant to the plea agreement, the defendant agreed to pay and has paid a fine of Two Hundred Thousand Dollars (\$200,000), per count, for a total of Four Hundred Thousand Dollars (\$400,000). Defendant has also paid the mandatory special assessment

of One Hundred Twenty-Five Dollars (\$125.00) per count, for a total of Two Hundred Fifty Dollars (\$250.00).

4. Pursuant to 18 U.S.C. § 3663(a)(3), defendant agreed and has made a charitable donation of food products to an organization to be designated by the government in the amount of One Hundred Thousand Dollars (\$100,000).

5. Defendant agreed to and has paid a civil penalty to the United States Department of Agriculture in the amount of Thirty-two Thousand Six Hundred Fifty-Eight Dollars and Sixty-Five Cents (\$32,658.65).

6. Defendant agreed to and has initiated a sanitation audit program in compliance with the plea agreement.

7. The court finds that the plea agreement is reasonable and accepts the plea agreement between the parties.

Accordingly,

IT IS ORDERED that defendant is adjudged guilty of Counts I and II of the information.

IT IS FURTHER ORDERED that the defendant is sentenced to comply with all of the terms of the plea agreement.

DATED this 15th day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge